

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC872 U.S. PTO
09/850328
05/07/01

In re Application of: JAY S. WALKER et al.) Examiner: Not Yet Assigned
Serial No.: Not Yet Assigned)) Group Art Unit: Not Yet Assigned
Filing Date: May 7, 2001)) Attorney Docket No: 00-101
For: METHOD AND APPARATUS FOR)) Customer No.: 22927
ESTABLISHING PRICES FOR A)
PLURALITY OF PRODUCTS)



Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. [] Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. [] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____
_____.
3. [] For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. [X] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - [X] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - [] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - [] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of

Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
 - [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

[] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

[] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.

9. [] I hereby certify:

[] that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

[] that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [] Please accept payment of the fees due as indicated below:

[] A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

[] The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

[] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

[] The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,



Dean P. Alderucci
Attorney for Applicants
Registration No. 40,484
Dean.Alderucci@WalkerDigital.com
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905
(203) 461-7337/phone
(203) 461-7300 /fax

May 7, 2001
Date

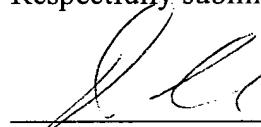
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Respectfully submitted,



Dean P. Alderucci
Attorney for Applicants
Registration No. 40,484
Dean.Alderucci@WalkerDigital.com
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905
(203) 461-7337/phone
(203) 461-7300 /fax

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Date

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05/07/01

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| INFORMATION DISCLOSURE CITATION | | Docket Number 00-101 | Serial Number Not Yet Assigned |
| | | Applicants JAY S. WALKER et al. | |
| | | Filing Date May 7, 2001 | Group Art Unit Not Yet Assigned |
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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|------------------|-----|-----------------|----------|------------------|-------|-----------|----------------------------|
| | A | 4,500,880 | 02/19/85 | Gomersall et al. | 340 | 825.35 | |
| | B | 4,553,222 | 11/12/85 | Kurland et al. | 364 | 900 | |
| | C | 4,675,515 | 6/23/87 | Lucero | 235 | 381 | |
| | D | 5,353,219 | 10/4/94 | Mueller et al. | 364 | 405 | |
| | E | 5,761,648 | 6/2/98 | Golden et al. | 705 | 14 | |
| | F | 5,774,868 | 6/30/98 | Cragun et al. | 705 | 10 | |
| | G | 5,864,822 | 1/26/99 | Baker, III | 705 | 14 | |
| | H | 5,880,449 | 3/9/99 | Teicher et al. | 235 | 383 | |
| | I | 5,899,502 | 5/4/99 | Del Giorno | 283 | 67 | |
| | J | 5,918,209 | 6/29/99 | Campbell et al. | 705 | 5 | |

FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | Translation | |
|--|-----|-----------------|------|---------|-------|-----------|-------------|----|
| | | | | | | | Yes | No |
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

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| | K | Cox, Beth, "An E-Commerce Idea That's Out to Lunch--and Dinner", ec-trends, December 17, 1999. |
| | L | Kennedy, Randy, "If the Maitre D' Won't Get You a Table, Try Your PC", The New York Times On The Web, August 6, 2000, Business Section. |

EXAMINER _____ DATE CONSIDERED: _____

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| | | Docket Number 00-101 | Serial Number Not Yet Assigned |
| INFORMATION DISCLOSURE CITATION | | Applicants Jay S. Walker et al. | |
| | | Filing Date May 7, 2001 | Group Art Unit Not Yet Assigned |
| | M | "Food.com/Benefits of Membership", (http://www.food.com/food.sph/SaJSPEngine.class/OrderOnline/BenefitsOfMembership.jsp), download date: 08/07/2000. | |
| | N | "New York City Insider: Saving a Few Bucks: Restaurant Discount Cards", (http://www.theinsider.com/NYC/save/006rest.HTM), download date: 08/07/2000. | |
| | O | "Welcome to MyPoints Dining!", MyPoints Dining, (http://www.dalc.com/asp/Newhome.asp?camp=dalcptsnm), download date: 08/07/2000. | |
| | P | "iDine Prime - Benefits", Benefits Updates, (http://www.idineprime.com/.../benefits.jhtml;\$_sessionid\$EAAGSPYAAAPUBJ4YYGUSFE), download date: 10/10/2000. | |
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| | Q | 6,055,513 | 4/25/00 | Katz et al. | 705 | 26 | |
| | R | 6,076,071 | 6/13/00 | Freeny, Jr. | 705 | 26 | |
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FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | Translation | |
|--|-----|-----------------|------|---------|-------|-----------|-------------|----|
| | | | | | | | Yes | No |
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | S | U.S. Patent Application No.: 09/337,906, entitled "Purchasing Systems and Methods Wherein a Buyer Takes Possession at a Retailer of a Product Purchased Using a Communication Network", filed June 22, 1999 by WALKER et al. |
| | T | U.S. Patent Application No.: 09/349,860, entitled "Method and Apparatus for Identifying Potential Buyers", filed July 8, 1999 by WALKER et al. |
| | U | U.S. Patent Application No.: 09/388,723, entitled "Redemption Systems and Methods Wherein a Buyer Takes Possession at a Retailer of a Product Purchased Using a Communication Network", filed September 2, 1999 by WALKER et al. |
| | V | U.S. Patent Application No.: 09/607,884, entitled "Methods and Apparatus for Obtaining and for Employing Commitments to Patronize One or More Restaurants", filed June 30, 2000 by WALKER et al. |
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EXAMINER

DATE CONSIDERED:

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